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**PATENT**  
**CASE NO. 12484/3**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application: )  
)  
Helmut Harrer )  
) Group Art Unit: 2859  
Serial No.: 10/821,628 )  
) Examiner: Guadalupe, Yaritza  
Filed: April 9, 2004 )  
)  
For: POSITION MEASURING SYSTEM)

**AMENDMENT UNDER 37 C.F.R. § 1.116**

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This Amendment is in response to the Office Action mailed on May 16, 2006. This Amendment is necessary and was not earlier presented, because it responds to new rejections made to the claims under Section 103. Since the present Amendment does not provide new issues that require a new search, Applicant requests that the present Amendment be considered and entered. Accordingly, please amend claims 1 and 6-8 as follows:

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